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Express Mail Mailing Label No. EV668187849US

PATENT
Attorney Docket No. INL-048

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Amill *et al.* CONFIRMATION NO.: 3281
SERIAL NO.: 10/022,481 GROUP NO.: 1641
FILED: December 18, 2001 EXAMINER: Long V. Le
TITLE: FREE ANALYTE DETECTION SYSTEM

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.182

Applicants hereby petition the Director of the United States Patent and Trademark Office ("USPTO") under 37 C.F.R. § 1.182 to consider the Office action dated December 15, 2004, as a non-final Office action, to enter and consider the Amendment and Response filed on April 15, 2005, as a timely-filed response after non-final rejection in the above-identified patent application, and to withdraw the untimely issued Advisory Action of July 13, 2005.

The Director is authorized to charge the petition fee as set forth in 37 C.F.R. § 1.17(f) to Deposit Account No. 50-1721. Applicants believe that no additional fee is required for consideration of this petition. However, if Applicants' belief is incorrect, the Director also is authorized to charge any additional fee to Deposit Account No. 50-1721.

The Office action dated December 15, 2004, was marked as a non-final Office action on its cover sheet. However, the last page of the Office action indicated that the Office action was final. The Image File Wrapper of the USPTO's publicly-available on-line database, Patent Application Information Retrieval (PAIR), indicated on April 15, 2005, that the Office action dated December 15, 2004, was a non-final rejection. However, the Transaction History of PAIR indicated that a final rejection was mailed on December 15, 2005.

07/22/2005 MAHME1 00000006 501721 10022481

01 FC:1462 400.00 DA

Applicants timely filed an Amendment and Response on April 15, 2005, together with a petition and fee for a one-month extension of time for response up to and including April 15, 2005. As a precautionary measure, the Amendment and Response was sent to Mail Stop AF on April 15, 2005, for expedited processing.

According to publicly available records in PAIR on July 1, 2005, the Amendment and Response filed on April 15, 2005, was scanned into the file and shown in the Image File Wrapper as an Amendment After Non-Final Rejection. On July 1, 2005, the Transaction History did not show the filing of the Amendment and Response of April 15, 2005. Copies of the content of the Image File Wrapper and the Transaction History printed from PAIR on July 1, 2005, are attached herewith as Exhibit A.

Examiner Deborah Davis acknowledged during a telephonic interview with the undersigned on July 1, 2005, that she was not aware that a response to the Office action of December 15, 2004, was filed. Supervisory Examiner Long Le acknowledged during a telephonic interview on July 1, 2005, that his review of the USPTO database did not indicate that the Amendment and Response filed on April 15, 2005, had been entered and considered. A copy of Examiner Long Le's summary of the interview is attached herewith as Exhibit B.

Following the telephonic interview, the Amendment and Response filed on April 15, 2005, was forwarded by the USPTO to the Examiner on July 1, 2005, as indicated on July 19, 2005, in the Transaction History of PAIR, a copy of which is enclosed as Exhibit C. After Examiner Davis and Examiner Le were notified by the undersigned that an Amendment and Response was filed on April 15, 2005, an Advisory Action was mailed from the USPTO on July 13, 2005, more than six months after the mailing date of the December 15, 2004, Office action and almost three months after the Amendment and Response to the December 15, 2004, Office action was filed by Applicants.

The Manual of Patent Examining Procedure (MPEP) states that "[r]epplies after final should be processed and considered promptly by all Office personnel." MPEP § 706.07(f)(K). The facts here indicate that the USPTO did not process and consider promptly the Amendment and Response filed on April 15, 2005. Instead, as indicated in PAIR on July 1, 2005, the Amendment and Response was processed as a reply after non-final rejection. After the inquiry by the undersigned, an Advisory Action was mailed on July 13, 2005.

Furthermore, Applicants submit that regardless of the status of the Office action of December 15, 2004, by filing the Amendment and Response on April 15, 2005, with proper extension fees, Applicants have prosecuted the application within the statutory required time period set forth in 35 U.S.C. § 133. Applicants have paid-in-full the filing fee for a utility application under 37 C.F.R. § 1.51 and § 1.16 and are entitled to timely examination and consideration of their application. The failure of the USPTO to process and consider promptly Applicants' response timely filed on April 15, 2005, is through no fault of the Applicants. The USPTO's confusing identification of the status of the December 15, 2004, Office action and delayed examination and issuance of an Advisory Action in this patent application diminishes the value of Applicants' filing fee if Applicants are required to file a petition to revive this application for alleged failure to take action under 37 C.F.R. § 1.113(c) or § 1.114.

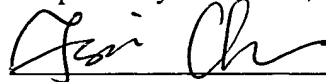
Accordingly, Applicants respectfully request that the Director of the USPTO grant the Petition under 37 C.F.R. § 1.182 to make the Office action of December 15, 2005, non-final as indicated on its cover sheet, consider and enter the Amendment and Response filed on April 15, 2005, as a timely-filed response after non-final rejection as indicated in PAIR, and withdraw the Advisory Action mailed on July 13, 2005.

If there are any questions with respect to this Petition, the USPTO is welcomed to contact the undersigned agent.

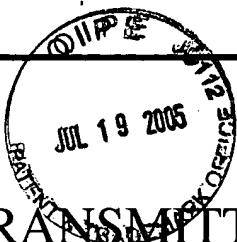
Date: July 19, 2005
Reg. No. 51,551

Tel. No.: (617) 261-3198
Fax No.: (617) 261-3175
Customer Number: 022832

Respectfully submitted,



Fangli Chen, Ph.D.
Agent for Applicants
Kirkpatrick & Lockhart Nicholson Graham LLP
75 State Street
Boston, Massachusetts 02109



TRANSMITTAL FORM

Express Mail Mailing Label No. EV 668187849US

Application Serial Number	10/022,481
Filing Date	December 18, 2001
First Named Inventor	Amill
Group Art Unit	1641
Examiner Name	Long V. Le
Attorney Docket No.	INL-048
Patent No.	Not applicable
Issue Date	Not applicable

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Check Attached <input checked="" type="checkbox"/> Copy of Fee Transmittal Form <input type="checkbox"/> Amendment/Response <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____] <input type="checkbox"/> Petition for Extension of Time <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of IDS Citations <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application <input type="checkbox"/> Formal Drawing(s) <input type="checkbox"/> Request For Continued Examination (RCE) Transmittal <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> CD(s) for large table or computer program <input type="checkbox"/> Amendment After Allowance <input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences <input type="checkbox"/> Appeal Brief (in triplicate) <input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8 <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below) <ul style="list-style-type: none">• Petition Under 37 C.F.R. § 1.182• Exhibit A• Exhibit B• Exhibit C
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CORRESPONDENCE ADDRESS

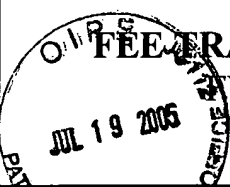
Direct all correspondence to: Patent Administrator
Kirkpatrick & Lockhart Nicholson
Graham LLP
75 State Street
Boston, MA 02109-1808
Tel. No.: (617) 261-3100
Fax No.: (617) 261-3175

SIGNATURE BLOCK

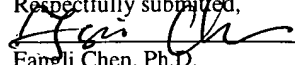
Date: July 19, 2005
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Tel. No.: (617) 261-3198
Fax No.: (617) 261-3175

Respectfully submitted,

Fangli Chen, Ph.D.
Agent for Applicant(s)
Kirkpatrick & Lockhart Nicholson
Graham LLP
75 State Street
Boston, MA 02109-1808

 FEE TRANSMITTAL JULY 2005	<i>Complete if Known</i>	
	Application Serial Number	10/022,481
	Filing Date	December 18, 2001
	First Named Inventor	Amill
	Group Art Unit	1641
	Examiner Name	Long V. Le
Attorney Docket No.		INL-048

METHOD OF PAYMENT				FEE CALCULATION (continued)																																																																																															
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2. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 50-1721. <input checked="" type="checkbox"/> Required Fees (copy of this sheet enclosed). <input checked="" type="checkbox"/> Additional fee required under 37 CFR 1.16 and 1.17. <input checked="" type="checkbox"/> Overpayment Credit.				<table border="1"> <thead> <tr> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>130</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>50</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>130</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>2,520</td><td>2,520</td><td>Request for ex parte reexamination</td><td></td></tr> <tr><td>120</td><td>60</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>450</td><td>225</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1020</td><td>510</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1590</td><td>795</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>2160</td><td>1080</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>500</td><td>250</td><td>Notice of Appeal</td><td></td></tr> <tr><td>500</td><td>250</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1000</td><td>500</td><td>Request for oral hearing</td><td></td></tr> <tr><td>400</td><td>400</td><td>Petitions to the Commissioner (Gp. I)</td><td>\$400.00</td></tr> <tr><td>200</td><td>200</td><td>Petitions to the Commissioner (Gp. II)</td><td></td></tr> <tr><td>130</td><td>130</td><td>Petitions to the Commissioner (Gp. III)</td><td></td></tr> <tr><td>180</td><td>180</td><td>Submission of Information Disclosure Statement</td><td></td></tr> <tr><td>790</td><td>395</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>790</td><td>395</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>100</td><td>100</td><td>Certificate of Correction for applicant's error</td><td></td></tr> <tr><td>130</td><td>65</td><td>Submission of Terminal Disclaimer</td><td></td></tr> <tr><td colspan="2">Other fee (Specify)</td><td>Supplemental Information Disclosure Statement</td><td></td></tr> <tr><td colspan="2">Other fee (Specify)</td><td></td><td></td></tr> </tbody> </table>				Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	130	65	Surcharge - late filing fee or oath		50	25	Surcharge - late provisional filing fee or cover sheet		130	130	Non-English specification		2,520	2,520	Request for ex parte reexamination		120	60	Extension for reply within first month		450	225	Extension for reply within second month		1020	510	Extension for reply within third month		1590	795	Extension for reply within fourth month		2160	1080	Extension for reply within fifth month		500	250	Notice of Appeal		500	250	Filing a brief in support of an appeal		1000	500	Request for oral hearing		400	400	Petitions to the Commissioner (Gp. I)	\$400.00	200	200	Petitions to the Commissioner (Gp. II)		130	130	Petitions to the Commissioner (Gp. III)		180	180	Submission of Information Disclosure Statement		790	395	Filing a submission after final rejection (37 CFR 1.129(a))		790	395	For each additional invention to be examined (37 CFR 1.129(b))		100	100	Certificate of Correction for applicant's error		130	65	Submission of Terminal Disclaimer		Other fee (Specify)		Supplemental Information Disclosure Statement		Other fee (Specify)			
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CORRESPONDENCE ADDRESS	SIGNATURE BLOCK
Direct all correspondence to: Patent Administrator Kirkpatrick & Lockhart Nicholson Graham LLP 75 State Street Boston, MA 02109-1808 Tel. No.: (617) 261-3100 Fax No.: (617) 261-3175	Date: July 19, 2005 Reg. No.: 51,551 Tel. No.: (617) 261-3198 Fax No.: (617) 261-3175 Respectfully submitted,  Fangli Chen, Ph.D. Agent for the Applicants Kirkpatrick & Lockhart Nicholson Graham LLP 75 State Street Boston, MA 02109-1808

Express Mail Mailing Label No.

Exhibit A



United States Patent and Trademark Office

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Other

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Method:

Enter Number:

Application Number

SUBMIT

10/022,481

Free Analyte detection system

Application Data	Transaction History	Image File Wrapper	Continuity Data	Published Documents	Publication Dates
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This application is officially maintained in electronic form. To View: C
Print: Check the desired document(s) and click StartDownload.

Mail Room Date	Document Description
04-26-2005	Bibliographic Data Sheet
04-22-2005	Communication - Re: Power of Attorr (PTOL-308)
04-15-2005	Fee Worksheet (PTO-875)
04-15-2005	Claims Worksheet (PTO-2022)
04-15-2005	Amendment - After Non-Final Rejection
04-15-2005	Claims
04-15-2005	Applicant Arguments or Remarks Made in an Amendment
04-15-2005	Extension of Time
04-15-2005	Transmittal to TC
04-15-2005	Power of Attorney (may include Asso POA)
04-15-2005	Application Data Sheet
04-15-2005	Information Disclosure Statement (ID Filed)
04-15-2005	NPL Documents

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[Policy & Law](#)
[Reports](#)
[Trademarks](#)

04-15-2005	NPL Documents
04-15-2005	NPL Documents
12-15-2004	Non-Final Rejection
12-15-2004	Search information including classification, databases and other search related notes
12-15-2004	Index of Claims
08-04-2004	Amendment - After Non-Final Rejection
08-04-2004	Specification
08-04-2004	Claims
08-04-2004	Applicant Arguments or Remarks Made in an Amendment
07-02-2004	Miscellaneous Action with SSP
05-17-2004	Examiner Interview Summary Record (PTOL - 413)
05-17-2004	Informal or Non-Responsive Amendment
05-17-2004	Specification
05-17-2004	Claims
05-17-2004	Applicant Arguments or Remarks Made in an Amendment
11-05-2003	Non-Final Rejection
11-05-2003	List of references cited by examiner
11-05-2003	List of References cited by applicant and considered by examiner
10-29-2003	Examiner's search strategy and results
10-28-2003	Examiner's search strategy and results
10-27-2003	Examiner's search strategy and results
10-26-2003	Examiner's search strategy and results
04-16-2003	Requirement for Restriction/Election
09-17-2002	Foreign Reference
09-17-2002	Foreign Reference

09-17-2002	<u>Foreign Reference</u>
09-17-2002	<u>NPL Documents</u>
09-17-2002	<u>Information Disclosure Statement Filed</u>
09-17-2002	<u>NPL Documents</u>
09-17-2002	<u>Authorization from Applicant to treat all replies as incorporating Extensions of Time, and charge all fees to a deposit account</u>
09-17-2002	<u>Response to Election / Restriction Fil</u>
09-17-2002	<u>Extension of Time</u>
03-05-2002	<u>Miscellaneous Incoming Letter</u>
03-05-2002	<u>Drawings</u>
03-05-2002	<u>Information Disclosure Statement (ID Filed</u>
03-05-2002	<u>Oath or Declaration filed</u>
01-29-2002	<u>Miscellaneous Action with SSP</u>
12-18-2001	<u>Issue Information including classification, examiner, name, claim renumbering, etc.</u>
12-18-2001	<u>Search information including classification, databases and other search related notes</u>
12-18-2001	<u>Index of Claims</u>
12-18-2001	<u>Transmittal letter</u>
12-18-2001	<u>Drawings</u>
12-18-2001	<u>Specification</u>
12-18-2001	<u>Claims</u>
12-18-2001	<u>Abstract</u>
12-18-2001	<u>Fee Worksheet (PTO-875)</u>
12-18-2001	<u>Fee Worksheet (PTO-875)</u>
12-18-2001	<u>Claims Worksheet (PTO-2022)</u>
12-18-2001	<u>Information Disclosure Statement (ID</u>

	Filed
12-18-2001	NPL Documents
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12-18-2001	NPL Documents
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12-18-2001	NPL Documents
12-18-2001	NPL Documents
12-18-2001	NPL Documents
12-18-2001	Application Data Sheet
12-18-2001	Transmittal letter
12-18-2001	Application Data Sheet
12-18-2001	Specification
12-18-2001	Claims
12-18-2001	Abstract
12-18-2001	Drawings
12-18-2001	Miscellaneous Incoming Letter

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10/022,481

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Application Data	Transaction History	Image File Wrapper	Continuity Data	Published Documents	Publication Dates
		Date	Content		
		04-15-2005	Information Disclosure State		
		04-22-2005	Correspondence Address Char		
		04-22-2005	Change in Power of Attorney		
		12-15-2004	Mail Final Rejection (PTOL - 32		
		12-13-2004	Final Rejection		
		10-06-2004	IFW TSS Processing by Tech C		
		10-06-2004	Date Forwarded to Examiner		
		08-04-2004	Response after Non-Final Actio		
		08-04-2004	Request for Extension of Tim		
		08-04-2004	Workflow incoming amendmen		
		07-02-2004	Mail Notice of Informal or Noi		
		07-01-2004	Date Forwarded to Examiner		
		05-17-2004	Informal or Non-Responsive		
		05-17-2004	Response after Non-Final Actio		
		11-05-2003	Mail Non-Final Rejection		
		11-03-2003	Non-Final Rejection		
		09-26-2003	Date Forwarded to Examiner		
		09-17-2003	Response to Election / Restricti		
		09-17-2003	Request for Extension of Tim		
		04-16-2003	Mail Restriction Requirement		
		04-16-2003	Requirement for Restriction /		
		09-17-2002	Information Disclosure Stateme		
		03-05-2002	New or Additional Drawing Fi		
		03-05-2002	Information Disclosure Stateme		
		04-10-2002	Case Docketed to Examiner i		

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12-18-2001	Information Disclosure Stateme
04-01-2002	Application Dispatched from
03-29-2002	Application Is Now Complete
03-05-2002	Additional Application Filing
03-05-2002	A statement by one or more inv 35 USC 115, Oath of the Applic
01-29-2002	Notice Mailed—Application In
01-08-2002	IFW Scan & PACR Auto Securi
12-18-2001	Initial Exam Team nn

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Exhibit B



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INL-048

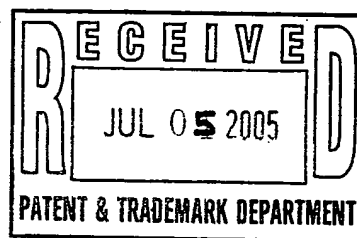
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WASHINGTON, D.C. 20231
www.uspto.gov

Fax Cover Sheet

Date: 05 Jul 2005

To: Ms. Fangle Chan	From: Long Le
Application/Control Number: 10/022,481	Art Unit: 1641
Fax No.: (617) 261-3175	Phone No.: (571) 272-0823
Voice No.: (617) 261-3198	Return Fax No.:
Re:	CC:
<input type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> For Comment <input type="checkbox"/> For Reply <input checked="" type="checkbox"/> Per Your Request	

Comments:



Number of pages 4 including this page

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Assistant Commissioner for Patents
Washington, DC 20231

Interview Summary	Application No. 10/022,481	Applicant(s) SALES AMILL	
	Examiner Long V. Le	Art Unit 1641	

All participants (applicant, applicant's representative, PTO personnel):

(1) Long V. Le. (3) _____

(2) Ms. Fangle Chan. (4) _____

Date of Interview: 01 July 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____

Claim(s) discussed: None.

Identification of prior art discussed: None.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04. If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.)

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

BEST AVAILABLE COPY**Summary of Record of Interview Requirements****Manual of Patent Examining Procedure (MPEP), Section 713 (4, Substance of Interview Must be Made of Record)**

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR § 1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiner's Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given on appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
 (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

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Continuation Sheet (PTO-413)

Application No. 10/022,481

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The attorney called to clarify the status of the case because the record is unclear. The office action dated 12/15/04 was made final, but the cover sheet was marked as non-final. An amendment has been submitted on 04/15/05 as a response after final. The response has been scanned in the IFW, however, Palm transaction has not been processed. Suggested Applicant that she should not wait for an advisory action and that an RCE should be filed. The examiner indicated that the RCE will be entered since the office has not entered/responded to Applicant's after final response within proper time period.

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Exhibit C



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Application Number

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10/022,481

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Application Data	Transaction History	Image File Wrapper	Continuity Data	Published Documents	Publication Dates
		Date	Content		
		07-13-2005	Mail Advisory Action (PTOL -		
		07-11-2005	Advisory Action (PTOL-303)		
		07-01-2005	Date Forwarded to Examiner		
		04-15-2005	Amendment after Final Rejection		
		04-15-2005	Request for Extension of Time		
		04-15-2005	Information Disclosure Statement		
		04-22-2005	Correspondence Address Change		
		04-22-2005	Change in Power of Attorney (M)		
		12-15-2004	Mail Final Rejection (PTOL - 3		
		12-13-2004	Final Rejection		
		10-06-2004	IFW TSS Processing by Tech		
		10-06-2004	Date Forwarded to Examiner		
		08-04-2004	Response after Non-Final Ac		
		08-04-2004	Request for Extension of Time		
		08-04-2004	Workflow incoming amendm		
		07-02-2004	Mail Notice of Informal or Non-I		
		07-01-2004	Date Forwarded to Examiner		
		05-17-2004	Informal or Non-Responsive Ar		
		05-17-2004	Response after Non-Final Ac		
		11-05-2003	Mail Non-Final Rejection		
		11-03-2003	Non-Final Rejection		
		09-26-2003	Date Forwarded to Examiner		
		09-17-2003	Response to Election / Restri		
		09-17-2003	Request for Extension of Time		
		04-16-2003	Mail Restriction Requirement		

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09-17-2002	Information Disclosure State
03-05-2002	New or Additional Drawing File
03-05-2002	Information Disclosure State
04-10-2002	Case Docketed to Examiner in
12-18-2001	Information Disclosure State
04-01-2002	Application Dispatched from OI
03-29-2002	Application Is Now Complete
03-05-2002	Additional Application Filing Fe
03-05-2002	A statement by one or more i under 35 USC 115, Oath of th
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